



UNITED STATES MARINE CORPS

MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE, NORTH CAROLINA 28542-0004

BO 1752.1F
INSP
APR 26 1996

BASE ORDER 1752.1F

From: Commanding General
To: Distribution List

Subj: CIVILIAN/DEPENDENT/JUVENILE MISCONDUCT

Ref: (a) Title 18, U.S. Code (NOTAL)
(b) MCO 5510.15
(c) Title 50, U.S. Code, Section 797 (NOTAL)
(d) BO P11101.30J
(e) Support Agreement btwn MCB, Camp Lejeune and MCAS, New River of 1985 (NOTAL)

Encl: (1) Disposition Guidelines
(2) Sample letter of Persona Non Grata in conjunction with Discharge of Military Personnel

1. Purpose. To establish procedures for the disposition of cases of civilian misconduct occurring aboard this installation.

2. Cancellation. BO 1752.1E, BO 5510.7B.

3. Background

a. By virtue of his office, the Commanding General, Marine Corps Base, has authority over all personnel and activities within this installation. While the military chain of command exercises authority over instances of misconduct committed by military personnel, the Commanding General exercises authority over offenses committed by civilians. Additionally, the Commanding General exercises authority over all personnel in administrative matters which include, but is not limited to: housing affairs, traffic/motor vehicle and hunting regulations, check cashing privileges, and other similar functions.

b. References (a) through (d) provide the Commanding General, Marine Corps Base, with a range of options which may be imposed upon civilians who commit violations of established regulations or criminal offenses aboard this installation. These options include, but are not limited to: prosecution in Federal District Court, permanent debarment from the Base, eviction from military family housing, restriction of Base privileges, restriction from certain areas/facilities, probation, and other administrative actions.

c. Marines who are separated punitively or administratively (under other than honorable conditions) have, by definition, demonstrated conduct of an unacceptable nature. Should the factual basis for the unfavorable separation represent a reasonable threat to the peace or security of this installation, it is within the commander's authority to deny access to these individuals on the same basis discussed herein for others not subject to military law.

4. Information

a. References (b) and (c) reiterate the authority of the Commanding General to remove any person not subject to military law who is found to be committing a breach of posted regulations aboard an installation, order such person not to reenter the installation, and subsequently apprehend and detain such person should the debarment order be violated. Included in this authority is the right to exclude civilians whose presence on the installation threatens or tends to threaten the peace and security of the installation,

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provided such exclusion is reasonable and not arbitrary or discriminatory.

b. Pursuant to Section 1382 of reference (a), dependent children, whether residing in Base housing or otherwise present aboard this Base, are subject to the authority of the Commanding General, as are other civilian dependents, civilian employees or casual visitors, including non-dependent juveniles on the Base as guests.

c. Pursuant to paragraph 1004 of reference (d), military personnel and/or their dependents may be evicted from assigned government quarters for a series of minor disorders, neglect of quarters, waste of government provided utilities, commission of drug related or other serious offenses, and commission of activities which disrupt or tend to disrupt the peace and security of this installation.

d. Civilians/dependents/juveniles who commit criminal offenses in violation of Federal or state law while aboard this installation are subject to prosecution in Federal District Court in addition to or in lieu of any administrative action which may be taken against them by the Commanding General or other responsible management official. The decision as to whether or not to prosecute civilians, dependents, or juveniles rests with the Commanding General, the United States Attorney, or the Staff Judge Advocate, Marine Corps Base (through its Special Assistant, United States Attorney).

e. Enclosure (1) contains guidelines for disposition of reports of misconduct.

5. Definitions

a. Civilian. For purposes of this Order, a civilian is anyone who is not a member of the Armed Forces on active duty and has attained his or her 18th birthday.

b. Juvenile. For the purposes of this Order, a juvenile is a person who has not yet attained his or her 18th birthday and is not a member of the Armed Forces on active duty.

c. Criminal Offense. Violation of the law of the United States or violation of the law of the State of North Carolina as assimilated pursuant to section 13 of reference (a).

d. Minor Offense. A misdemeanor, the penalty for which does not exceed one year of imprisonment or a fine of not more than \$1,000.00 or both.

e. Juvenile Delinquency. Violations as stated in paragraph 5c, above, however, the offender is a juvenile.

f. Administrative Due Process. For purposes of this Order, administrative due process includes notification of intent to take a certain administrative action, the opportunity to respond, either in writing or person, and the opportunity to appeal any administrative action to the Commanding General, Marine Corps Base via the Base Inspector. Administrative due process is separate and distinct from due process afforded an individual facing criminal prosecution. Nothing herein prevents the Commanding General, Marine Corps Base, or other designated official from taking administrative action, in appropriate cases, prior to providing due process, against personnel who pose an immediate threat to the peace and security of this installation or has committed serious offenses.

6. Policy

a. The Commanding General, Marine Corps Base, requires all personnel who come aboard this installation, regardless of status, to adhere to established

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rules, regulations, and Federal and State law. Those individuals who choose to violate such requirements or threaten the peace and security of this installation will be dealt with expeditiously and in consonance with the violation committed.

b. The military chain of command will resolve instances of misconduct committed by military personnel. Misconduct committed by civilians will be resolved administratively and/or through prosecution in criminal proceedings. Additionally, offenses committed in the local community wherein there is a potential to threaten the peace and security of this installation will be handled in accordance with this Order and civilian personnel regulations. All administrative action taken in accordance with this Order shall be based upon a preponderance of the evidence available.

c. The Base Inspector, acting on behalf of the Commanding General, shall impose any administrative action (other than civilian personnel action) due to civilian misconduct short of evicting individuals from government quarters and declaring individuals persona non grata.

d. The Base Inspector, upon receiving a report of serious misconduct committed by civilians/juveniles, is authorized to declare an individual persona non grata until such time as the normal decision process is complete. This authority is limited to emergency cases where the peace and security of Camp Lejeune is disrupted or there is a bona fide, imminent threat of injury to an individual if the civilian/juvenile is not immediately removed from the Base. The temporary debarment will be periodically reviewed and will be lifted upon such time as the individual debarred no longer poses a threat.

7. Reporting/Investigating Procedures

a. Instances of on-Base misconduct involving civilians shall be reported to the Provost Marshal without delay. Reports shall be as detailed as possible to enable the Provost Marshal to determine the circumstances of the incident, the identity of the participants, the extent of damages, where relevant, and any other facts required for appropriate disposition of the case.

b. The Provost Marshal shall investigate the alleged misconduct, if appropriate, or refer the matter to the Naval Criminal Investigative Service (NCIS), if NCIS has jurisdiction over the matter. In appropriate cases, coordination may be made with local civilian law enforcement agencies.

c. Upon completion of the investigation, in addition to any other required distribution, copies shall be distributed to:

(1) The Staff Judge Advocate for review and initiation of criminal prosecution, or civilian personnel action if appropriate.

(2) The Base Inspector, for review and initiation of administrative action, if appropriate.

8. Action

a. Commanders of Marine Corps Base, Camp Lejeune organizations, including all outlying camps and tenant activities, will:

(1) Report instances of civilian misconduct to the Provost Marshal as provided for in this Order.

(2) Review every case of individuals separated from the military service under other than honorable conditions to determine if the separation is predicated upon conduct which clearly evidences a threat to or a tendency to threaten, the peace or security of the Base. In cases wherein a

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determination is made that the conduct which led to the discharge clearly evidences such a threat, prepare a recommended declaration of persona non grata using enclosure (2) as guidance and forward the proposed letter with supporting documentation to the Staff Judge Advocate, Marine Corps Base.

(3) Upon approval by the Commanding General, Marine Corps Base of a persona non grata letter, deliver the letter to the servicemember in conjunction with discharge, ensure the individual acknowledges receipt of the letter, and forward the acknowledged copy to the Base Inspector.

b. The Base Provost Marshal will:

(1) Investigate instances of civilian misconduct and distribute the results of such investigations per regulations and as provided for in this Order.

(2) Process personnel who have been barred from reentering the Base and who attempt to reenter the Base for prosecution before the U.S. Magistrate, as appropriate, by forwarding the processing documents to the Staff Judge Advocate and Base Inspector.

c. The Staff Judge Advocate will:

(1) Review proposed letters of persona non grata submitted by Commanders on individuals who are being separated under other than honorable conditions or receive an adjudged punitive discharge and forward them to the Commanding General/Chief of Staff, Marine Corps Base, for signature.

(2) Forward a copy of the signed debarment letter on military personnel to the Commandant of the Marine Corps (JA) for information and filing.

(3) Review completed reports of civilian misconduct occurring aboard this installation and initiate prosecution or civilian personnel action in appropriate cases.

d. The Base Inspector will:

(1) Review investigations/reports of civilian misconduct occurring aboard Marine Corps Base, Camp Lejeune, take appropriate administrative action as provided for in enclosure (1) and/or paragraph 6d above, or forward such report along with recommended action and appropriate correspondence for signature to the Commanding General/Chief of Staff.

(2) Ensure all individuals upon whom administrative action is pending, receive administrative due process privileges as provided for in this Order. Ensure, through periodic review, that the reasons individuals having been temporarily debarred remain valid.

(3) Receive and process, on behalf of the Commanding General, Marine Corps Base, all appeals from administrative action taken against civilians or juveniles in accordance with the provisions of this Order.

(4) Conduct administrative hearings with those individuals who request such a hearing.

(5) Deliver, at a conference with the juvenile and his/her sponsor, when practicable, signed letters of administrative action against juveniles who reside in government quarters. Due regard shall be given to the age of the juvenile concerned, and maximum effort shall be made towards correction rather than punishment.

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(6) Maintain records on administrative action taken against civilians and ensure appropriate agencies are notified of action taken.

9. Records

a. All records and materials relating to incidents involving civilian and juvenile misconduct are considered sensitive material and shall be maintained by the Base Inspector and Base Provost Marshal in restricted access containers separate from general correspondence files. The Base Inspector and Provost Marshal shall ensure the privacy/sensitivity of these files is maintained and disclosure to third parties is strictly controlled.

b. Access to civilian and juvenile files shall be limited to those individuals who have an official need to know such information. Additionally, the individual upon whom the files relate, may, under certain circumstances, authorize the limited release of such files to third parties. The Privacy Act or Freedom of Information Act governs access to such files by the offender or third party requestor.

c. All files relating to juveniles and not including a declaration of persona non grata shall be destroyed four years after the last incident recorded therein.

d. Persona non grata files shall be maintained by the Base Inspector indefinitely.

e. All other files shall be maintained for a period as determined by the Base Inspector based upon the severity of the misconduct.

10. Applicability. This Order has been concurred in by all Camp Lejeune based Commanding Generals and Commanders of tenant units/organizations.

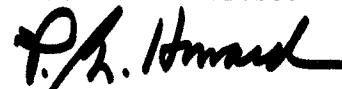
11. Appeals of Administrative Action. Personnel upon whom administrative action is taken, may appeal such decision to the Commanding General. Such appeals shall be forwarded, in writing to the Base Inspector within 15 days of receipt of such action. Personnel desiring an administrative meeting to discuss their appeal shall include such request in their appeal letter.

12. Requests for Reconsideration. Personnel upon whom administrative action has been taken may request reconsideration of the decision at any time by submitting such request, in writing to the Base Inspector.

13. Summary of Revision. This Order has been changed throughout and should be reviewed thoroughly.

14. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.

15. Reciprocity with Marine Corps Air Station, New River. The Commanding Officer, Marine Corps Air Station, New River, (CO, MCAS) concurs in the procedures outlined in this Order. As provided by reference (e), the CO, MCAS, will administer persona non grata procedures barring entry to MCAS, New River, and Marine Corps Base, Camp Lejeune, where offenses occur aboard MCAS, New River and will provide copies of such letters to Marine Corps Base, Camp Lejeune (Adj, PMO, Insp). The Commanding General, Marine Corps Base, Camp Lejeune (Insp), will provide the CO, MCAS New River (Adj, PMO, Law Center) copies of persona non grata letters and other letters of administrative action taken against civilians where CO, MCAS has an interest.


P. G. HOWARD

DISTRIBUTION: A

DISPOSITION GUIDELINES

The below listing of misconduct along with action normally imposed is a guide and not all inclusive. Where any instance of misconduct is not listed herein, action will be taken consistent with the seriousness of the misconduct. More/less severe action may be taken based upon the circumstances of the individual case. Also, more than one action may result from a single offense.

1. **Conduct which normally results in an oral admonition:** Particularly minor offenses, especially when younger children are involved.
2. **Conduct which normally results in a Warning Letter:** Commission of minor offenses, as defined in this Order; unresolved neighborhood disputes; minor domestic disputes; failure to exercise control or supervision over minor children; minor affrays; violation of housing regulations; violation of motor vehicle traffic regulations when action in addition to that of the Traffic Court Officer is appropriate; violation of Base hunting regulations.
3. **Conduct which normally results in suspension of privileges or restriction to specified areas and/or a period of probation:** Shoplifting or theft from any activity/location aboard this base (regardless of value of property taken); abuse of privileges; sponsorship of an individual not otherwise entitled to use facilities where such individual violates regulations or commits criminal misconduct aboard this Base; repeat of minor offenses, where warning letter has previously been issued without results.
4. **Conduct which normally results in eviction from Government Quarters:** Repeated violation of housing or other regulations; a pattern of an inability to live peaceably with neighbors; waste or mismanagement of government provided utilities; willful destruction of property including assigned government quarters; child or spouse abuse/neglect; commission of a felony; commission of any offense involving drug activity or weapons.
5. **Conduct which normally results in a declaration of Persona Non Grata:** Commission of any offense involving a weapon or drug related activity; commission of a felony; repeated minor violations of base regulations where the individual has been previously warned or lesser administrative action taken without results; serious domestic disturbances; serious spouse/child neglect or abuse; aggravated assaults; theft; burglaries; any offense/misconduct which threatens the peace and security of this installation.
6. **Referral to Federal Authorities:** Any violation of Federal or State law, especially serious offenses or trespassing after having been ordered from this installation, will be referred to the Special Assistant, United States Attorney for action.

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HEADQUARTERS, MARINE CORPS BASE
Camp Lejeune, North Carolina 28542-5001

From: Commanding General, Marine Corps Base, Camp Lejeune
To:

Subj: PERSONA NON GRATA LETTER

1. You are being separated with a punitive discharge or under other than honorable conditions due to (set forth the reasons why the action is being taken with specific reference to the act or acts that have caused a determination that the persona non grata letter is required), and having thereby demonstrated conduct of a nature such that your future presence aboard this installation would threaten the peace and security of the installation, you are hereby notified that, effective upon separation from the U. S. Marine Corps, you are ordered not to reenter, or be found within the limits of the United States military reservations at Camp Lejeune, North Carolina, or Marine Corps Air Station, New River, Jacksonville, North Carolina.

2. The following information has been extracted from Title 18, U. S. Code, Section 1382. It is being provided so that you might be aware of the seriousness of the consequences should you violate the restriction levied upon your further entry to these installations:

"Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station or installation, for any purpose prohibited by law or lawful regulation; or

"Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station or installation after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof--

"Shall be fined not more than \$500 or imprisoned not more than six months, or both."

3. Should any compelling reason exist which you believe would be sufficient to justify a modification or termination of this Order, you should submit such request to this Headquarters (Attn: Base Inspector) for consideration.

4. You are further informed that should you reenter or be found upon the limits of the United States military reservation at Camp Lejeune or Marine Corps Air Station, New River, in violation of this Order, you will be subject to apprehension and detention by the military for prompt delivery to appropriate civil authorities.

Copy to:
CMC (JA)
CO, (Org)
BSJA
BINSP
AC/S, ISS
NCIS
BCPD
NAFI PERSO
CO, MCAS New River
OIC, Joint Law Ctr, MCAS New River
PMO, MCAS New River

ENCLOSURE (2)